

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Cavalry Portfolio Services, LLC,

Plaintiff,

v.

Mohamed Jama,

Defendant,

Civil No. 11-2403 (JNE/AJB)
ORDER

v.

Gurstel Chargo P.A.,

Third-Party Defendant.

Cavalry Portfolio Services, LLC (Cavalry), sued Mohamed Jama¹ in state court to collect a debt. Claiming that Gurstel Chargo P.A., Cavalry's counsel, violated the Fair Debt Collection Practices Act (FDCPA), Jama served a Third-Party Complaint on Gurstel Chargo. Asserting that Jama's FDCPA claim gave rise to federal question jurisdiction, 28 U.S.C. § 1331 (2006), Gurstel Chargo filed a Notice of Removal pursuant to 28 U.S.C. § 1441(a), (b) (2006). On September 6, 2011, the Court ordered Gurstel Chargo to show cause why this action should not be remanded to state court. Gurstel Chargo failed to respond to the order to show cause within the time permitted. For the reasons set forth in the order to show cause, the Court lacks subject matter jurisdiction over this action. *See Holmes Grp., Inc. v. Vornado Air Circulation Sys., Inc.*, 535 U.S. 826, 830-32 & n.2 (2002); *Calabro v. Anika Halal Live Poultry Corp.*, No. 10-66-cv, 2011 WL 2279187, at *2 (2d Cir. June 10, 2011) (per curiam); *Adkins v. Ill. Cent. R.R. Co.*, 326 F.3d

¹ The record contains several spellings of Jama's first name. The Court uses the spelling that appears in the body of Jama's Third-Party Complaint.

828, 836 (7th Cir. 2003). The Court therefore remands the action to state court. *See* 28 U.S.C. § 1447(c) (2006).

Based on the files, records, and proceedings herein, and for the reasons stated above, IT
IS ORDERED THAT:

1. This action is REMANDED to the Second Judicial District of the State of Minnesota.
2. The Clerk of Court shall mail a certified copy of this Order to the clerk of the Second Judicial District of the State of Minnesota as required by 28 U.S.C. § 1447(c).

Dated: September 19, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge